

**MEDICAL EXAMINING BOARD
REGULAR MEETING
JULY 23, 2003**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Sandra Mahkorn, Daniel Miota, Ian Munro, and Virginia Heinemann and Karen Kalishek

MEMBERS EXCUSED: Bhupinder Saini

STAFF PRESENT: Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Shelly Raebel, Purdue Pharma; Mark Grapentine, Wis. Medical Society, Michael Gilman D.O., Wis. Medical Society, Mark Adams, General Counsel, Wis. Medical Society.

CALL TO ORDER

Chair Sidney Johnson called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments: Add Complaints 02 MED 174 and 02 MED 220
Two Stipulations (F)
Death Cases and Three Year Cases Reports

MOTION: Alfred Franger moved, seconded by Karen Kalishek, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES JUNE 18, 2003

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to approve the minutes of June 18, 2003, as published. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

DOE attorney Arthur Thexton and Attorney Ian A.J. Pitz presented oral statements in the matter concerning Paul A. Scott, D.O. and Blake B. Lemke, D.O. These matters will be deliberated on in closed session.

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Richard A. Hoversten, M.D. This matter will be deliberated on in closed session.

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Jeffrey D. Ley, M.D. This matter will be deliberated on in closed session.

DOE attorney Jim Polewski presented a proposed stipulation in the matter concerning Stewart Taylor, M.D. This matter will be deliberated on in closed session.

DOE attorney Jim Polewski presented proposed stipulation in the matter concerning Cathy Reeb-Alba, M.D. This matter will be deliberated on in closed session.

DOE attorney Claudia Berry Miran presented a proposed stipulation in the matter concerning, Harry Herman Lippman, M.D. This matter will be deliberated on in closed session.

FSMB OFFER OF PRESENTATION ON FSMB ROLE TO THE BOARD

The FSMB (Federation of State Medical Boards) would like to make a presentation on the role of the Federation to the Medical Examining Board at the December 17, 2003 meeting, at 9:00 a.m. The FSMB has also extended an invitation for the Board to join its representatives for dinner on December 16th, at restaurant of the Board's choice. The Board agreed to meet with FSMB for dinner at the Mariners Inn. Reservations for dinner will be coordinated by FSMB and Pamela Meicher.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Noted.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 40 cases. Eight cases were opened, 32 cases were not opened.

SMS PEER REVIEW – MARK ADAMS, STATE MEDICAL SOCIETY GENERAL COUNSEL AND DR. MICHAEL GILMAN, STATE MEDICAL SOCIETY COMMISSION ON MEDIATION AND PEER REVIEW

Mark Adams, State Medical Society (SMS) General Counsel and Dr. Michael Gilman, State Medical Society Commission on Mediation and Peer Review (CMPR), joined the Board for a discussion on the roles of the Department of Regulation and Licensing and the State Medical Society in responding to complaints against physicians that are sent to the SMS.

Mark Adams read a description of CMPR: to receive, investigate and seek to resolve differences between physicians and patients or other complainants, or between physicians, on matters relating to quality of care and professional ethics. When necessary, it shall initiate disciplinary

or other actions as appropriate. It shall serve as the society's advisory body to private or governmental organizations on matters affecting medical peer review including utilization review of appropriateness of care and quality assurance. It shall advise and consult with component societies, i.e., local medical societies, on issues of peer review, mediation, ethics and discipline, in concert with a member of the SMS Board of Directors. It serves as the initial appellate body for peer review and mediation issues that are appealed from local committees of local societies.

Mr. Adams stated that when the SMS is contacted directly by a consumer about a problem with a physician they are advised of options, including the CMPR, the Office of the Commission of Insurance, the Medical Examining Board, the State Medical Mediation Panel, and the opportunity to seek legal counsel on malpractice type issues.

Mr. Adams said that the Medical Society receives and reviews up to three and one half dozen complaints per year.

The Board asked Mr. Adams how the reviews are conducted. Mr. Adams stated that an administrative assistant intakes the complaint, then sends a form out to the complainant requesting additional information. When the completed form is received back, an attorney and a medical doctor review the information. The Chair of the Medical Society and a CMPR delegate review the material. The Society has authority to discipline members only. They can also refer cases to the Medical Examining Board.

The Board questioned whether the Medical Society should re-examine the function of its peer review body. The Board expressed concerns about staff members screening complaints, how letters are being sent to respondents, and the type of information requested by the CMPR. The Board expressed concerns about how the society requests medical records and information from respondents. The possibility of physician dissatisfaction stemming from the current processes was noted.

Mark Adams said that he will raise this issue at the next commission meeting this fall. Mr. Adams indicated the Medical Society has always supported some kind of self-regulation, to the extent legally appropriate. The Medical Society believes at this time it is important to continue the CMPR, but would be receptive to referring all cases to DRL.

The Board also pointed out some inaccuracies currently on its website relating to the CMPR. The Board noted that there was no information describing the role of the Department of Regulation and Licensing. It is only listed under Other Health Care Professions. One public member of the MEB stated she is confused by the information listed on the society's website, and that it is somewhat misleading.

The Board would like more time to consider this issue and will add this as an agenda item at the next meeting.

CORRESPONDENCE FROM JUNE DAHL, PH.D., UNIVERSITY OF WISCONSIN-MADISON MEDICAL SCHOOL DEPARTMENT OF PHARMACOLOGY

Wayne Austin, Legal Counsel will draft a letter to June Dahl explaining the Board's position about the Model Guidelines. The MEB will not adopt the guidelines because the Board would need to promulgate a rule to do so.

DISCUSSION OF FSMB MODEL GUIDELINES FOR THE APPROPRIATE USE OF THE INTERNET IN MEDICAL PRACTICE

The Board requested further information on the model guidelines and requested the issue be placed on the August agenda.

INFORMATIONAL ITEMS

The Board noted all the informational items. The Board would also like to add the traveling MRI scan bus as an agenda item at a future Board meeting.

RECESS TO CLOSED SESSION

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for request for IPP modification and termination, request for 7 Year Rule, Wis. Admin. Code § ME 1.06 (3)(b), deliberation of proposed stipulations, reconsideration of application, issuing complaints, request for permission to apply for DEA registration, reviewing case status, granting licenses and consulting with legal counsel. Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Ian Munro-yes, Daniel Miota – yes, and Virginia Heinemann-yes, and Karen Kalishek-yes. Motion carried unanimously.

Open session recessed at 9:25 a.m.

IPP MODIFICATION AND TERMINATION

MOTION: Alfred Franger moved, seconded by Daniel Miota, to release CK from IPP. Motion carried unanimously.

REQUEST FOR REVIEW OF WIS. ADMIN. CODE § ME 1.06 (3)(B)

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to waive the Wis. Admin. Code § ME 1.06 (3)(b) 9-year requirement. The Board decided Manu Raj Sood's educational training is equivalent to a combined M.D. and Ph. D. training program. A hand vote taken with six yes votes. Motion carried.

PROPOSED STIPULATIONS

RICHARD A. HOVERSTEN, M.D.

MOTION: Karen Kalishek moved, seconded by Alfred Franger, to adopt the Final Decision and Order and Stipulation in the matter of Richard A. Hoversten, M.D. Motion carried unanimously.

JEFFREY D. LEY, M.D.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to adopt the Final Decision and Order and Stipulation in the matter of Jeffrey D. Ley, M.D. Motion carried unanimously.

STEWART TAYLOR, M.D.

MOTION: Lief Erickson moved, seconded by Karen Kalishek, to adopt the Final Decision and Order and Stipulation in the matter of Stewart Taylor, M.D. Motion carried unanimously.

CATHY REEB-ALBA, M.D.

MOTION: Daniel Miota moved, seconded by Karen Kalishek, to adopt the Final Decision and Order and Stipulation in the matter of Cathy Reeb-Alba, M.D. Motion carried unanimously.

RECONSIDERATION OF APPLICATION – RONDA DITTER, M.D.

MOTION: Karen Kalishek moved, seconded by Alfred Franger, to grant reconsideration in the application of Ronda Ditter, M.D., and allow her admission to Step III of the USMLE examination Motion carried unanimously.

RECONSIDERATION AND CLARIFICATION – LEON J. RADANT, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to dismiss the disciplinary proceedings against Leon J. Radant, M.D. Case Advisor Lief Erickson abstained. Motion carried.

REQUEST FOR STAY OF SUSPENSION – RICHARD HELFFRICH, M.D.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Richard Helffrich, M.D., and send him a letter advising him that he may apply for a full unlimited license in five years. Motion carried unanimously.

POSSIBLE BOARD ORDER VIOLATION – RAYMOND KOZIOL, M.D.

The Board requires additional information and will have a letter sent to him requesting that he appear before the next Board meeting.

REQUESTS FOR STAY OF SUSPENSION

PETER H. PARK, M.D.

MOTION: Karen Kalishek moved, seconded by Lief Erickson, to grant a three month stay of suspension in the matter of Peter H. Park, M.D. Motion carried unanimously.

KENNETH E. SPARR, M.D.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Kenneth E. Sparr, M.D. Motion carried unanimously.

TIMOTHY STAACKE, M.D.

MOTION: Daniel Miota moved, seconded by Ian Munro, to grant a three month stay of suspension in the matter of Timothy Staacke, M.D., and modify his order to reduce his AA meetings from once a week to every two weeks. Motion carried unanimously.

THOMAS STRICK, M.D.

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Thomas Strick, M.D., and deny permission for him to apply for a DEA registration Motion carried unanimously.

ROBERT A. VINCENT, M.D.

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Robert A. Vincent, M.D. Motion carried unanimously.

STIPULATIONS

PAULA A. SCOTT, M.D.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to adopt the Final Decision and Order and Stipulation in the matter of Paula A. Scott, M.D. (03 MED 287). Motion carried unanimously.

BLAKE B. LEMKE, M.D.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to adopt the Final Decision and Order and Stipulation in the matter of Blake B. Lemke, M.D. (03 MED 288). Motion carried unanimously.

HARRY HERMAN LIPPMAN, M.D.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to adopt the Final Decision and Order and Stipulation in the matter of Harry Herman Lippman, M.D. (95 MED 423, 97 MED 201, 98 MED 083). Daniel Miota abstained. Motion carried.

ISSUE COMPLAINTS

02 MED 174

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, in favor of finding of probable cause to believe that the licensee conduct in 02 MED 174 is unprofessional, that a complaint be issued and that a hearing be held. The case advisor, Sidney Johnson, abstained. Motion carried.

02 MED 220

MOTION: Alfred Franger moved, seconded by Karen Kalishek, in favor of a finding of probable cause to believe that the licensee conduct in 02 MED 220 is unprofessional, that a complaint be issued and that a hearing be held. The case advisor, Sidney Johnson abstained. Motion carried.

CASE STATUS REPORT

MOTION: Lief Erickson moved, seconded by Alfred Franger, to close complaint **02 MED 381** for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **03 MED 076** for no violation. Motion carried unanimously.

- MOTION:** Karen Kalishek moved, seconded by Alfred Franger, to close complaint **03 MED 041** for no violation. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, to close complaint **02 MED 404** for compliance gained. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to close complaint **03 MED 045** for no violation. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Ian Munro, to close complaint **02 MED 305** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Karen Kalishek moved, seconded by Lief Erickson, to close complaint **03 MED 053** for no violation. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, to close complaint **02 MED 120** for compliance gained. Motion carried unanimously.
- MOTION:** Lief Erickson moved, seconded by Daniel Miota, to close complaints **03 MED 054, 03 MED 055, 03 MED 063, 03 MED 065, 03 MED 066, 03 MED 048**, for no violation. Motion carried unanimously.
- MOTION:** Lief Erickson moved, seconded by Daniel Miota, to close complaints **03 MED 093**, for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to close complaints **02 MED 210**, for no violation. Sandra Mahkorn voted no. Motion carried.
- MOTION:** Karen Kalishek moved, seconded by Lief Erickson, to close complaint **01 MED 251**, for no violation. Motion carried unanimously.
- MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to close complaint **03 MED 119**, for no violation. Motion carried unanimously.
- MOTION:** Lief Erickson moved, seconded by Ronald Grossman, to close complaint **03 MED 179**, for no violation. Motion carried unanimously.
- MOTION:** Lief Erickson moved, seconded by Virginia Heinemann, to close complaint **03 MED 120**, for no violation. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, to close complaint **03 MED 008**, for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **02 MED 363**, prosecutorial discretion. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **01 MED 089**, for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Lief Erickson, that Lief Erickson and Sandra Mahkorn, case advisers will meet with DOE staff on their cases. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to ratify the applicants as licensed to practice as physician assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:00 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to vote to accept all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Ian Munro moved, seconded by Ronald Grossman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:01 p.m.